

**Town of Cary, North Carolina
Comprehensive Plan Amendment - Staff Report
12-CPA-06 (Keisler Property)
Town Council Meeting
March 14, 2013**

REQUEST

This is a request to expand the Land Use Plan designation for 32.68 acres located at 1695 Kildaire Farm Road in Cary. The property is currently designated for Low to Medium Density Residential (LDR/MDR). The applicant is proposing to add Office and Institutional (OFC/INS) as a land use, resulting in a Land Use Plan designation of "LDR to MDR and/or OFC/INS."

NOTE: The purpose of a comprehensive plan amendment is to evaluate the appropriateness of a proposed land use and/or other issue, need, or opportunity for the subject parcel(s) of land. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Keisler Group LLC 1695 Kildaire Farm Road Cary, NC 27511	0762565508	0038475	32.68
Total Area			32.68

BACKGROUND INFORMATION

Applicant & Agent	Glenda Toppe Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612 Phone: 919-605-7390 E-mail: glenda@gstplanning.com		
Acreage	32.68 acres		
General Location	1695 Kildaire Farm Road		
Schedule	Town Council Public Hearing January 10, 2013	Planning and Zoning Board Public Hearing February 18, 2013	Town Council March 14, 2013
Land Use Plan Designation	Low Density Residential (LDR) to Medium Density Residential (MDR)		
Proposed Land Use Designation	LDR to MDR and/or Office/Institutional (OFC/INS)		
Existing Zoning District	Residential 40 (R-40) Located in the Swift Creek Watershed Zoning Overlay		
Town Limits	Inside the town of Cary corporate limits		
Staff Contact	Anna Reading, Senior Planner 919-469-4084 anna.readling@townofcary.org		

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

On December 27, 2012 the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on December 26, 2012 and January 2, 2013 and on February 6 and February 13, 2013. Notice of the public hearing was posted on the property on December 27, 2012.

Town Council Public Hearing on January 10, 2013

Public Hearing:

Two citizens spoke against the plan amendment request. Ms. Cynthia Kornegay, speaking on behalf of herself and other homeowners in the adjacent Wimbledon community, cited neighbors' concerns about increased traffic, safe access/egress to and from the site, views of tall buildings, and light pollution that could come with office and institutional uses or dense residential development. Mr. James Hollister said he is concerned with the increase of office and institutional development and traffic in the area, and said he prefers that the property remain residential.

Council Discussion: Council discussion centered on the range of housing densities (one to eight units per acre) that are already possible for this property, with some council members stating that they would be looking for a proper transition from the residences in Wimbledon. Some council members suggested that office and institutional uses may, in some cases, be more appealing than residential developed at the higher end of the medium-density range. Other council members noted that adding office and institutional uses to the mix may add flexibility and therefore increase the possibility of a good development plan.

Planning and Zoning Board Public Hearing on February 18, 2013

Public Hearing:

Three citizens spoke against the request, including Wimbledon resident Jane Gleason, who said she was speaking on behalf of 45 other landowners but not as a representative of the Wimbledon HOA. Citizen concerns included a fear that infrastructure would be too stressed; there would be increased traffic; concern about safe access/egress to the site; wetland impacts; light pollution; and fear of delayed emergency response time in the area. Other comments were that there is too much office/industrial development in the area already, and more office and/or high density development will lead to deterioration of the quality of life in the area.

One citizen spoke in favor of the request, stating that road noise from U.S. Hwy.1 would limit the land's appeal for use as residential, and noting that office/institutional uses could be heavily "conditioned" during the rezoning.

Board Discussion: Brent Miller noted that a circa 1927 house is presently on the property. Staff stated that it was recently surveyed and is being added to the historic inventory. Board members verified with staff that if the CPA were approved, then with a plan-consistent rezoning the property could be someday developed either as residential, office and institutional, or some combination thereof, and also that retail uses could be allowed within an office building as long as the office use is the principal use and retail is limited to 20% of the gross floor area.

Board members generally acknowledged that adding Office and Institutional as another potential land use was a reasonable request considering the location of the property and its substantial frontage on U.S. Hwy.1, but several members qualified their support for the CPA request by stating their concerns about possible traffic impacts and light pollution from any new development. A majority of the board members stated strongly that they would resist any forthcoming rezoning request that didn't transition well from the north and limit impacts on the neighborhood. The board voted unanimously to recommend approval of the CPA request.

COMPREHENSIVE PLAN SUMMARY

A. Land Use Plan

The future land use recommendations for the property date from adoption of the townwide Land Use Plan in 1996. That plan recommends the subject property as suitable for Low to Medium Density Residential (LDR to MDR) in recognition of the fact that the subject property is located between the Wimbledon PDD to the north, which includes both single-family-detached and townhomes, and interstate highway U.S. 1 to the south. LDR is defined as one to three single-family-detached residential dwelling units per acre, and MDR is defined as three to eight dwelling units per acre and can include single-family detached or attached (e.g., townhouses, duplexes).

The “LDR to MDR” designation, as used in the 1996 Land Use Plan, does not imply that the plan recommends both LDR and MDR densities or housing products on the site, or that there must be a range of densities, although both are certainly possible. Rather, the designation recognizes that an appropriate housing type and density could be found somewhere within the overall density range (one to eight units per acre, single-family detached or attached). Within those overall guidelines, the actual type(s) of housing product(s) and density selected for the site will depend on the type of rezoning actually approved for the site, which will in turn depend on the recommendations of the Planning and Zoning Board and action of Town Council, bearing in mind public comment received and the specifics of an actual rezoning application.

Requested Plan Amendment

The applicant requests to add “Office/Institutional” as another type of acceptable future land use recommended by the Land Use Plan for the subject parcel. While the Land Use Plan generally defines this land use category to include general and professional office space as well as institutional uses (e.g., places of worship, schools, daycare), the actual final types of Office/Institutional uses, if any, selected will depend on the type of zoning approved for the parcel at some future date.

Adjacent Land Uses

North of subject parcel: Low density, single-family residential portion of Wimbledon PDD.

South of subject parcel: U.S. Interstate Highway 1/64

West of Subject parcel: Existing church, and vacant site designated for future office/institutional

East of Subject parcel: Waltonwood senior living/retirement community

Regarding the Land Use Plan Designation for Wimbledon PDD

At the Town Council public hearing, questions were raised about Cary’s Land Use Plan’s designations for the Wimbledon PDD, north of the subject site. The Land Use Plan Map depicts most of the land within Wimbledon as Medium Density Residential (MDR), with some areas as High Density Residential (HDR), Open Space, and water bodies. These designations date from the earliest stages of development of the Land Use Plan Map in 1995, well prior to plan adoption in 1996. During those initial phases of plan development, the Low Density Residential category was defined as 1-2 or 1-2.5 units per acre, and the low end of MDR began at about 2.5 units per acre. Since the average density in Wimbledon (net of public road rights-of-way) was about 2.7 dwellings per acre, most of the PDD was shown as MDR.

By the time of final plan adoption in November 1996, the residential density ranges for future development had been adjusted to 1-3 units/acre for LDR, and 3-8 units/acre for MDR. Since Wimbledon had already been developed, and since the focus of the Land Use Plan is to provide recommendations for *future development*, the Plan Map thematic shading was not adjusted to reflect the new density ranges for already-developed properties.

B. Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to this site.

A recreation land dedication and/or fund payment will be required for residential development in accordance with the LDO.

C. Growth Management Plan

The Growth Management Plan includes the following Guiding Principles that are relevant to this case:

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

Analysis: The proposed amendment is consistent with the Guiding Principles listed above.

D. Affordable Housing Plan

The Affordable Housing Plan includes the following goals that are relevant to this case:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
3. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.
4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

E. Comprehensive Transportation Plan

Kildaire Farm Rd. is designated as a Major Thoroughfare.

Existing Section: 5-lanes; approx. 100-foot ROW

Future Section: 4-lane, median divided in 100-foot ROW

Sidewalks: Required on both sides; currently only located on east side

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: The subject property is located along an existing C-Tran route. At the time of site plan, an 8-foot by 18-foot concrete pad meeting the specifications of the Town would be required in a location on Kildaire Farm Road. No shelter would be required, but Town requires that the developer install a six-foot-long metal bench centered and mounted to this concrete pad that connects with the sidewalk. Specifications are available upon request. Bench should be dark gray in color.

Status of Planned Improvements: N/A

F. Open Space Plan

According to the Open Space Plan, a majority of the site is covered in mixed hardwood and conifer forest except for the cleared acreage closest to Kildaire Farm Road.

G. Historic Preservation Master Plan

According to Wake County real estate records, the subject property contains a circa 1927 house. The house is in an area of Cary previously surveyed by Wake County, but wasn't chosen for inclusion in the 1992 Wake County Architectural and Historic Inventory or its 2005-2006 update. This area of Cary was recently surveyed as part of the 2011-2012 Cary Historic Resources Survey and Inventory Update. Preliminary survey results indicate that the buildings on the subject site should be added to Cary's inventory of historic properties, but are not likely to be recommended for National Register consideration. The property owners have indicated a willingness to meet with staff and, if economically feasible as development plans unfold, will consider options to preserve the buildings.

APPLICANT'S JUSTIFICATION STATEMENT

Attached are the applicant's responses to the Comprehensive Plan Amendment justification questions contained in the application form. Please note that these statements are those of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

CRITERIA FOR CONSIDERATION IN REVIEWING COMPREHENSIVE PLAN AMENDMENTS

Section 3.2.2(B) of the Land Development Ordinance states that proposals to amend the Comprehensive Plan shall be evaluated based upon whether the amendment is necessary in order to address conditions including, but not limited to, the following:

1. A change in projections or assumptions from those on which the Comprehensive Plan is based.

Analysis: Since the adoption of the 1996 townwide Land Use Plan, the area around the subject property has changed in character. Office and Institutional uses have been built or approved for development on the east and west sides of the subject property, and Wake Medical Center has nearly doubled in size. Traffic volumes on U.S. Highway 1 continue to increase, Wake Medical Center will likely continue to grow and create demand for associated healthcare/office space, and Kildaire Farm Road will continue to serve as a major route to increasing retail and housing opportunities south of Tryon Road. Given these changes, office and institutional uses would be appropriate uses for the subject property.

2. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan.

Analysis: By adding Office and Institutional as potential uses for the subject property, there is increased opportunity to create the best possible development plan for this important transition property.

3. A change in the policies, objectives, principles, or standards governing the physical development of the Town or any other geographic areas addressed by the Comprehensive Plan.

Analysis: None identified.

5. Identification of errors or omissions in the Comprehensive Plan.

Analysis: No errors or omissions have been identified.

STAFF ANALYSIS AND RECOMMENDATION

The subject property is bordered on its east side by Kildaire Farm Road and on its south side by U.S. Highway 1. Considering the increasing traffic and noise on Kildaire Farm Road and U.S. Highway 1, recently approved office/institutional uses adjacent (east and west sides) of the property, and the likelihood of increasing medical office demand due to Wake Med expansion, adding Office and Institutional to the list of potential uses for the subject property makes sense and gives the developer added flexibility to create the best possible transitional project.

Staff recommends that the Planning and Zoning Board forward the proposed amendment to the Town Council with a recommendation for approval.